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February 25, 2015

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By ECF

The Honorable Robert M. Levy
United States Magistrate Judge
United States District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Kurtz v. Kimberly-Clark Corp., et al., No. 1:14-cv-1142-JBW-RML

Dear Magistrate Judge Levy:

We represent defendant Costco Wholesale Corporation in the above-referenced litigation. This letter is submitted on behalf of all parties. As Your Honor is aware, all parties will be filing motions for or against class certification this Friday, February 27, 2015, pursuant to the Court's January 29, 2015 Scheduling Order. (Transcript of Proceedings, Docket No. 72, at 32:9-12.) In connection with those filings, the parties respectfully request that they be permitted, on an interim basis, to file these initial motions and supporting materials under seal, subject to the requirement that the parties submit, not later than Friday, March 13, 2015, one or more revised requests for leave to file under seal, designating those specific documents or portions of documents for which each party seeks permission to submit under seal.

We make this request because (i) at least some (and possibly all) parties will be submitting documents and/or deposition testimony that has been designated by other parties as "Confidential" or "Highly Confidential" pursuant to the Protective Order in this case (Docket No. 36), as well as briefing discussing such materials; (ii) counsel agree that, at this juncture, it would be impracticable for each party to identify for each of the other parties all of the evidence on which such party intends to rely, and thus it is difficult to determine, in advance of the filings, exactly what evidence, briefing, or portions of declarations should be included within a request for permission to file under seal; and (iii) by contrast, after the parties have exchanged their motion papers and supporting materials, each party should be in a position to determine which portions of their filings to include in a request for confidentiality.

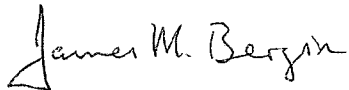
Counsel for Plaintiff and for Defendant Kimberly-Clark consent to and join in this request. If this request meets with the Court's approval, we respectfully request that Your Honor "so

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order” this request and file notice thereof on the Court’s electronic docket. If the Court has any questions regarding this proposal, counsel for the parties are available to discuss the matter.

Respectfully submitted,

A handwritten signature in cursive script that reads "James M. Bergin". The signature is written in dark ink and is positioned above the printed name.

James M. Bergin

cc: All Counsel in *Kurtz v. Kimberly-Clark Corp. et al.* (via ECF)